J	Jnited Sta	TES DIST	RICT COUP	RT	
Eastern		District of	1	North Carolina	
UNITED STATES OF AM V.	ERICA	JUDGN	MENT IN A CRI	MINAL CASE	
SCOTT F. HERRING		Case Nu	mber: 5:12-CR-54-	1FL	
		USM N	ımber: 08883-091		
			T HOOD HALE, JR		
THE DEFENDANT:		Defendant'	s Attorney		
pleaded guilty to count(s) COUN	IT1 OF CRIMINAL II	NFORMATION			
pleaded nolo contendere to count(s)					
which was accepted by the court.  was found guilty on count(s) after a plea of not guilty.					
The defendant is adjudicated guilty of the	assa offenses:				
Title & Section	Nature of Offense	2		Offense Ended	Count
18 U.S.C. § 371	Conspiracy to Traffic	ck in Contraband Ci	garettes	July 2010	1
The defendant is sentenced as prother the Sentencing Reform Act of 1984.  The defendant has been found not gu		ough <u>6</u>	of this judgment.	The sentence is impose	ed pursuant to
	-	□ ara diamias	ed on the motion of the	as United States	
It is ordered that the defendant or mailing address until all fines, restitut the defendant must notify the court and	must notify the United	States attorney for sees sments import of material chan	or this district within a sed by this judgment a ges in economic circu	30 days of any change of are fully paid. If ordered	name, residence, to pay restitution,
Sentencing Location: NEW BERN, NC		3/7/2013 Date of Im	position of Judgment		
NEW BEINI, NO		Ha	in N. Dhrage.	~	
		Signature of	of Judge		
		LOUIS	E WOOD FLANAG	AN, US DISTRICT CO	URT JUDGE
		Name and	Title of Judge		

3/7/2013 Date DEFENDANT: SCOTT F. HERRING CASE NUMBER: 5:12-CR-54-1FL

Judgment — Page 2 of 6

### **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

# 12 Months and 1 Day

€	The court makes the following recommendations to the Bureau of Prisons:
The c	ourt recommends that the defendant serve his term in FCI, Butner, NC.
	The defendant is remanded to the custody of the United States Marshal.
$\checkmark$	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on
	as notified by the United States Marshal. *Not sooner than 7/5/2013
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	□ before p.m. on
	as notified by the United States Marshal. Or
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have	executed this judgment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
<u>.                                    </u>	, was a series of the series o
	UNITED STATES MARSHAL
	UNITED STATES MARSHAL
	By

DEFENDANT: SCOTT F. HERRING CASE NUMBER: 5:12-CR-54-1FL

Judgment—Page \_\_\_3 of \_\_\_6

#### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

#### 3 Years

AO 245B

NCED

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

<b>\</b>	The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
<b>A</b>	The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
$\blacksquare$	The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
	The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)
Sche	If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the edule of Payments sheet of this judgment.
on th	The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions he attached page.

#### STANDARD CONDITIONS OF SUPERVISION

- 1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer
- 2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five (5) days of each month.
- 3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4. The defendant shall support the defendant's dependents and meet other family responsibilities.
- The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6. The defendant shall notify the probation officer at least then (10) days prior to any change of residence or employment.
- 7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8. The defendant shall not frequent places where controlled substances are illegally sold, used distributed, or administered, or other places specified by the court.
- 9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of
  any contraband observed in plain view by the probation officer.
- 11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.
- 12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

(Rev. 12/03) Judgment in a Criminal Case

Sheet 3A — Supervised Release

Judgment—Page 4 of 6

DEFENDANT: SCOTT F. HERRING CASE NUMBER: 5:12-CR-54-1FL

#### ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall provide the probation office with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall submit to financial or consumer credit counseling as directed by the probation officer.

AO 245B (Rev. 12/03) Judgment in a Criminal Case Sheet 5 — Criminal Monetary Penalties

DEFENDANT: SCOTT F. HERRING CASE NUMBER: 5:12-CR-54-1FL

Judgment — Page 5 of 6

## **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TO	TALS \$	Assessment 100.00	Fine \$ 0.00	Restitut \$ 2,564,5	
	The determina after such dete	ation of restitution is deferred until	. An Amended Judgi	ment in a Criminal Case	(AO 245C) will be entered
	The defendant	must make restitution (including communi	ity restitution) to the fo	llowing payees in the amo	ount listed below.
	If the defendar the priority or before the Uni	nt makes a partial payment, each payee shal der or percentage payment column below. ited States is paid.	ll receive an approxima However, pursuant to	itely proportioned paymen 18 U.S.C. § 3664(i), all no	t, unless specified otherwise in onfederal victims must be paid
<u>Nan</u>	ne of Payee		Total Loss*	Restitution Ordered	Priority or Percentage
Ne	ew Jersey Der	partment of Revenue	\$2,564,538.50	\$2,564,538.50	
		TOTALS	\$2,564,538.5	0 \$2,564,538.50	
	Restitution a	mount ordered pursuant to plea agreement	\$		
	fifteenth day	nt must pay interest on restitution and a fine after the date of the judgment, pursuant to or delinquency and default, pursuant to 18 to	18 U.S.C. § 3612(f). A		
<b>€</b>	The court det	termined that the defendant does not have the	he ability to pay interes	st and it is ordered that:	
	the interes	est requirement is waived for the 🔲 fir	ne 🗹 restitution.		
	☐ the interest	est requirement for the	restitution is modified	as follows:	
* Fi	indings for the t tember 13, 199	otal amount of losses are required under Cha 4, but before April 23, 1996.	apters 109A, 110, 110A	, and 113A of Title 18 for o	offenses committed on or after

Sheet 6 — Schedule of Payments

DEFENDANT: SCOTT F. HERRING CASE NUMBER: 5:12-CR-54-1FL

Judgment — Page \_\_\_6 of \_\_

### **SCHEDULE OF PAYMENTS**

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A		Lump sum payment of \$ 2,564,638.50 due immediately, balance due
		not later than, or in accordance
В		Payment to begin immediately (may be combined with $\square C$ , $\square D$ , or $\square F$ below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	$\checkmark$	Special instructions regarding the payment of criminal monetary penalties:
		Payment of restitution shall be due and payable in full immediately. However, if the defendant is unable to pay in full immediately, the special assessment and restitution may be paid through the Inmate Financial Responsibility Program. The court, having considered the defendant's financial resources and ability to pay, orders that any balance still owed at the time of release shall be paid in installments of \$350.00 per month to begin 60 days after the defendant's release from prison. At the time of the defendant's release, the probation officer shall take into consideration the defendant's ability to pay the restitution ordered and shall notify the court of any needed modification of the payment schedule.
Unle impi Resp	ess the	e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial bility Program, are made to the clerk of the court.
The	defe	ndant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Joir	nt and Several
		Fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
$\checkmark$	The	e defendant shall forfeit the defendant's interest in the following property to the United States:
		rsuant to the 6/18/2012 Order and Judgment of Forfeiture and 3/7/2013 Preliminary Order of Forfeiture as to obstitute Assets
Pay (5)	ment fine i	s shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, nterest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.